

# WILLKIE FARR & GALLAGHER LLP

787 Seventh Avenue  
New York, NY 10019-6099  
Tel: 212 728 8000  
Fax: 212 728 8111

May 20, 2019

## **VIA ECF**

The Honorable John G. Koeltl  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Re: *United States v. Akshay Aiyer*, 1:18-CR-00333 (JGK)

Dear Judge Koeltl:

We write regarding the scheduling of the trial of this matter, currently set for October 21, 2019. In light of a conflicting trial date that has been set in another criminal matter where the defendant is detained, we seek an adjournment of the trial of this matter.

On January 2, 2019, I was retained to represent the defendant in *United States v. Jean Boustani, et. al.*, 18-cr-681 (WFK)—a case before the Honorable William F. Kuntz of the Eastern District of New York. At our first appearance before Judge Kuntz on January 22, 2019, we requested a speedy trial. We reiterated our request for a speedy trial in our appearances before Judge Kuntz on January 29 and February 7, 2019, and the Government on March 5, 2019 reported that they were ready for trial when we appeared before the Court of Appeals on an appeal of Mr. Boustani's order of detention.

On March 28, 2019, despite my requests for a speedy trial, Judge Kuntz scheduled the trial in *Boustani* to commence on October 7, 2019. We expect the trial of that matter to last four to six weeks. I advised Judge Kuntz that Your Honor had already set the trial of this matter to commence on October 21, 2019, and again requested an earlier trial date. Judge Kuntz invited the defense to speak with the Government to see if the Government would consent to an earlier date. The Government agreed to move the *Boustani* trial to September, but I am scheduled for trial before the Honorable Paul A. Engelmayer of the Southern District of New York in *United States v. Jones, et al.*, 18 Cr. 834 (PAE) (S.D.N.Y.), to commence on September 9, 2019. There are currently four defendants in that matter, and the Government estimates that trial will take three to four weeks. My client in that matter, Roland Martin, is detained, so that matter cannot be adjourned.

The Government in *Boustani* has refused to agree to a trial date before September. On April 18, 2019, I wrote to Judge Kuntz advising him of the conflicting, previously-scheduled trial dates and the Government's refusal to consent to a trial date before September. In that letter, a copy of which is attached, we again requested that Judge Kuntz set the matter for trial before September. There has been no response to that letter from the Court.

We have explained the situation to Mr. Aiyer and reminded him of his right to a speedy trial. It is Mr. Aiyer's preference to delay his trial so that I may continue to serve as his trial counsel. Accordingly, we request that Your Honor set this matter for trial in January 2020, as we believe a December 2019 start to the trial would cause the trial to conflict with the holidays.

This is the first request for adjournment of the trial. The Government has declined to consent to this request, stating that they believe that the request is premature because Judge Kuntz may yet decide to reschedule the *Boustani* trial. In light of the fact that Judge Kuntz has denied our multiple requests for an earlier trial date, and our need to gain clarity as to whether my clients in *Jones*, *Boustani* and this matter will be able to be represented at trial by the counsel they have chosen, we respectfully request that the Court grant this request for adjournment at this time.

We appreciate Your Honor's consideration of this request.

Respectfully submitted,

/s/ Michael S. Schachter

Michael S. Schachter

cc: Kevin Hart, Esq.  
Eric Hoffmann, Esq.  
David Chu, Esq.  
Katherine Calle, Esq.  
Department of Justice, Antitrust Division (by e-mail)